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Mandatory Minimums Sentencing: Psychological Effects on Inmates, Developmental Effects on Children & Delinquency

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Mandatory Minimums Sentencing: Psychological Effects on Inmates, Developmental Effects on Children & Delinquency

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2020 Scholarly and Creative Activities Day

Abstract

Mass incarceration is a problem in the United States. Each year, an unprecedented number of people are being incarcerated. Prisons are over capacity, and the number continues to increase. Strict sentencing structures have contributed to this mass incarceration crisis, including three-strikes-laws, truth-in-sentencing laws, or mandatory minimum sentencing laws. These practices are keeping non-violent offenders in prison for longer than necessary. In addition, the psychological and societal consequences for inmates and their families are destructive, especially for children. This research argues that strict sentencing structures are a strong predictor of future juvenile delinquency by inmates’ children.

Background Information

- 1980s – Harsh mandatory minimum sentencing laws were enacted for drug, violent, and sexual offences and for chronic or career offenders.
- 1990s – “Three-strikes” laws were enacted as well as “truth-in-sentencing” laws that effectively eliminated parole release. The end results of these laws and the war on drugs was an imprisonment rate that exceeded 750 per 100,000, the combined federal and state prison populations in 2011 was 1,599,000 which was 16,000 less than in 2008 (1,615,000) (Tonry, 2013).
- Introduction of mandatory minimum sentencing legislation has greatly increased the number of inmates serving longer and/or life sentences in prison, resulting in “mass incarceration” (Clear, 2009).
- There has been much discussion on how mandatory minimum sentencing laws have disproportionately affected women offenders and the impact on children with incarcerated parents (Christian, 2009).

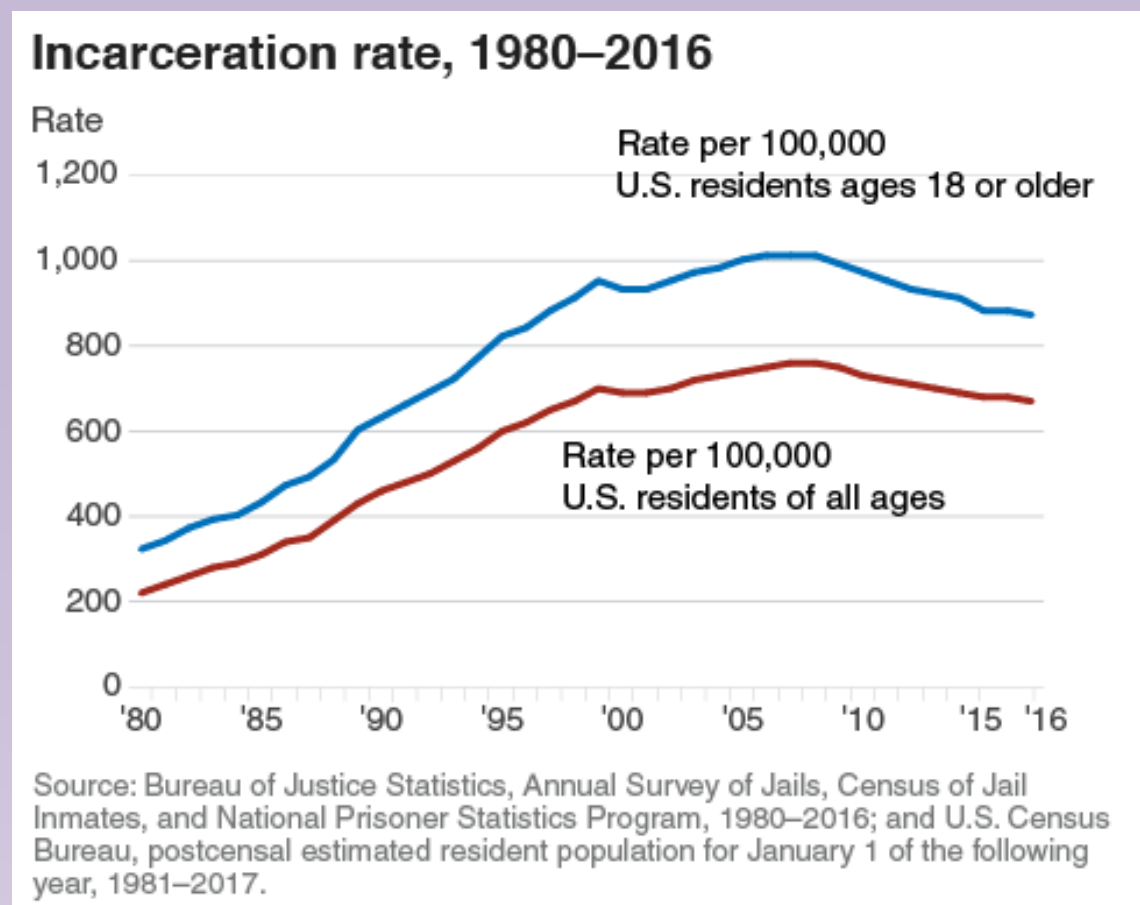


Figure 1: U.S. Incarceration Rates, From Bureau of Justice Statistics

Consequences for Inmates?

- Normal adaptive process of prisonization has become exceedingly prolonged and intense, due to mandatory minimum sentencing laws, three-strikes policies, and truth-in-sentencing legislation.
- Inmates, in general, face more problematic and challenging transitions in the return to life outside of prison, referred to as institutionalization.
- Previous research suggests that disadvantages of the psychological effects of prison on inmates for parenting and family life can be overwhelming (Haney, 2009).
- There is evidence that incarcerated parents continue to be negatively affected by the traumatizing risk factors they were exposed to in prison; the parent’s prison experience has done nothing to provide him/her with the tools or the information to protect their children from the same destructive experiences.

Consequences for Children?

- Removing a parent from his/her children will negatively affect that relationship; children withdraw emotionally from the parent and others, and may lash-out by committing delinquent offenses.
- Prisoner re-entry can also be difficult and stressful for children. During a parent’s incarceration, children grow and change, and often form relationships with new parental figures. These “family conflicts can destabilize already fragile families and leave children confused and torn” (Christian, 2009).
- Children of incarcerated mothers, and fathers (Mallicoat, 2019), report when parents are separated from their children because of incarceration, the child often grieves as if the parent has died. These children endure fear, anxiety, grief, and distress.
- If children are not assisted, they may exhibit verbal and/or physical aggression, social withdrawal, hypervigilance, sexualized behavior, or other at-risk behaviors for delinquency (Bush-Baskette, 2000; Mallicoat, 2019).
- “Children of incarcerated women have a greater chance of being involved in the juvenile justice system, and children of inmates of either sex are five times more likely than other children to be incarcerated as adults” (Bush-Baskette, 2000). Incarcerating women, and sometimes fathers, perpetuates the cycle of incarceration.

1.7 million
children currently have parents in the
United States prison system.



Figure 2: Children of Incarcerated Parents, From medium.com/boston-university-pr

Consequences for Society?

- The social losses of incarceration have become progressively more condensed in minority communities, where more people have been exposed to the pains of imprisonment, for extended periods of time, in circumstances that impose psychological distress and probable long-term dysfunction, who will be returned to “communities that are already disadvantaged by a lack of social services and resources” (Haney, 2002) typically resulting in recidivism.
- “Incarceration breaks families apart, strains their economic resources, weakens parental involvement with children and leads to emotional and social isolation, and interferes with employment prospects for those who remain behind” (Civic Research Institute, 2013).
- Removing a parent from the family who is most likely the greater monetary supporter is likely to lead the family into poverty, if they already were not impoverished.

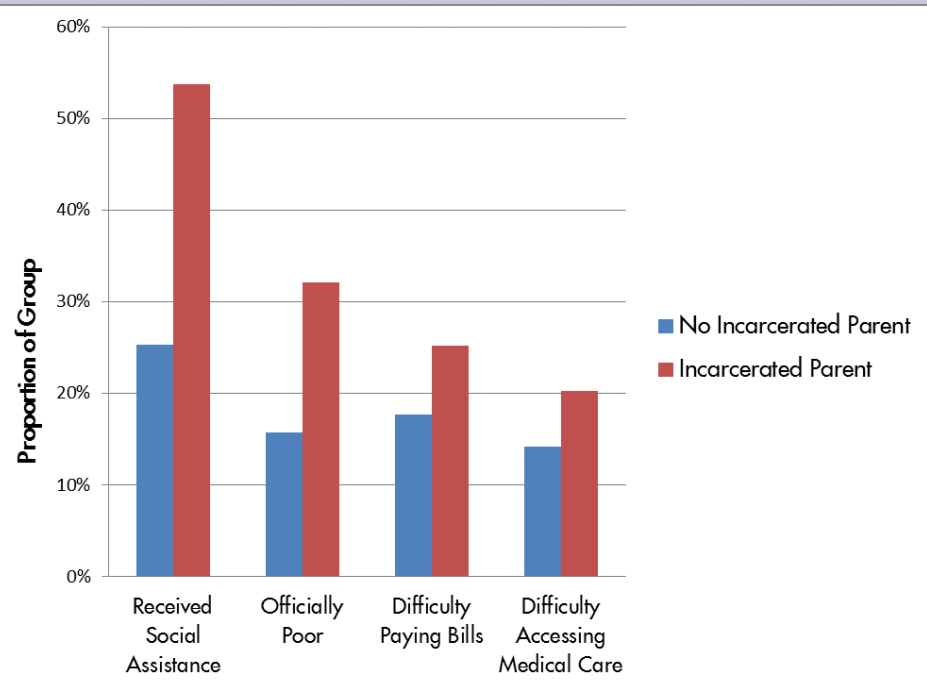


Figure 3: Reducing Effects of Incarceration on Children and Families, From poverty.ucdavis.edu/policy-brief

Discussion

The U.S. has a mass incarceration problem. We are incarcerating an increasing number of non-violent offenders, who may have a substance abuse or mental health issue. Many incarcerated offenders are parents, being removed from their families and children. Increased poverty is an important consequence. In addition, the pattern is cyclical, as children from these homes turn to delinquency and often find themselves in prison later as adults. Society must evaluate the collateral consequences of incarceration in an effort to reduce future prison populations in this country.